

10 July 1973

JMM:

Attached are our proposed comments to Hebert on the Koch bill, which has been concurred in by OGC, D/Security, DDM&S, CI, and most importantly, Colby in his DDO role.

Before we recommend this to Colby as Agency position, recommend these two things:

(1) Proposed position on the Koch bill be reviewed with Nedzi or Slatinshek; and

(2) In Koch's floor statement introducing the bill, he referred to a disclosure that we were involved in the burglary of Ellsberg's psychiatrist's office and that Members of Congress are not in a position to determine the extent of such CIA involvement. Since these represent an allegation with no foundation in fact and are an affront to the diligence of Nedzi's oversight of the Agency, Nedzi or Slatinshek's recommendation should be sought on the extent to which these allegations should be refuted, by whom, and in what manner. (Also attached is the Congressional Record statement with the passage outlined in red.)


LLM

CRC, 3/3/2003

21 June 1973

Karl:

In re status of General Walters' report
to Chairman Hebert on Koch bill --

a. The proposed Agency position on
the bill (attached) is in the process of coordination
within the Agency.

b. Once coordinated, the Agency's position
must be cleared by OMB, sometimes an interminable
process.

c. The House Armed Services Committee
understands the process and normally doesn't
expect even an interim acknowledgement. However
if General Walters would like to respond to Hebert's
letter at this time, see attached interim response
for his signature.



LLM

The circumstances giving rise to the bill are covered in an exchange of correspondence between Mr. Koch and the Agency which is enclosed for your information. They involved briefings requested by the New York Police Department on procedures for the processing, analyzing, filing and retrieving of information, security devices and procedures, and metal and explosives detection techniques. It is the Agency's view that such briefings violated neither the letter nor spirit of the referent proviso in the National Security Act of 1947. In a letter to the Director dated May 30, 1973, the Comptroller General agreed that the proviso was not violated.

In view of the apprehension raised by these activities, the Agency has adopted the policy that no such activities would be undertaken in the future except in the most compelling circumstances and then only with the Director's personal approval.

In considering the overall effect of H. R. 8432, it is important to review the meaning of the proviso in question--"Provided, That the Agency shall have no police, subpoena, law-enforcement powers, or internal-security functions."

(a) the word "powers" in the phrase "police, subpoena, law-enforcement powers" means legal ability or authority. The Agency has no police, subpoena, or law-enforcement powers, has never attempted to exercise such powers, and its legal inability and lack of authority to exercise such powers is abundantly clear.

(b) the meaning of the phrase "internal-security functions" is equally clear when considered in the context of both the legislation in which it appears and the legislative history which surrounds it.

The heart of the Central Intelligence Agency section of the National Security Act of 1947 is subsection 102(d) which sets forth the duties of the Agency under the direction of the National Security Council. The proviso appears in that paragraph of that subsection which deals specifically with the correlation, evaluation, and dissemination of intelligence information.

The legislative history of section 102 of the National Security Act reflects congressional intent that there be no confusion between the pursuit of intelligence abroad and police powers at home. In 1947 it was very clear that the merging of these two functions was characteristic of totalitarian states. The concern simply put was that there be no "gestapo in the United States." While this country has never had a national police force, experience with the conduct of totalitarian states was uppermost in the nation's mind.

In light of these concerns, a proviso was written into law to add to the assurance that the Agency would not be engaged domestically in collecting information on citizens of the United States who, unlike Agency employees and others having access to our information, are not of legitimate interest to the Agency. The proviso was patterned after the wording in paragraph 4 of the 22 January 1946 Presidential directive which established the Central Intelligence Group, the predecessor organization of the Central Intelligence Agency (i. e., "4. No police, law-enforcement, or internal-security functions shall be exercised under this directive.").

It is in the light of the above that the Agency, and apparently the Comptroller General of the United States, concluded that the assistance we rendered to the New York Police Department was not violative of the referent proviso of the National Security Act of 1947.

It is noted that H. R. 8432 is concerned only with assistance to State or local government law-enforcement activities. The existing proviso in the National Security Act of 1947 is general, not limited to Federal law-enforcement activities, and is understood to apply to all levels of government. Furthermore, unless specifically authorized by Federal statute, it is understood that the Federal Government is prohibited from interfering with the prerogatives of State or local law-enforcement bodies.

In view of the above, it is our view that the intended purpose of H. R. 8432 is already served by existing law. Moreover, the language of the bill appears to extend beyond the stated purpose and could bring about results which are not intended. For example, if the Agency, as a result of its foreign intelligence efforts, acquires information bearing on a criminal act in the United States, the bill appears to prohibit the communication of

that information to appropriate State or local authorities directly by the Agency or indirectly by the Federal Bureau of Investigation, the normal recipient of such CIA information. Such information could involve illicit narcotics traffic, terrorist bombing, and similar criminal acts. In addition to prohibiting the Agency or any intermediary from passing on foreign intelligence information relating to violence in this country, the bill would prohibit the Agency, directly or indirectly, from alerting local police to the possibility of a criminal act to be directed against Agency installations or its personnel. Not only would this be completely contrary to all governmental interests, but would be aiding and abetting criminal actions.

In addition to providing you with our substantive comments and recommendations concerning H. R. 8432, we want you to know that we are deeply concerned with an allegation in the statement introducing the legislation.

"The American public was recently shocked by disclosures that the CIA had been involved in the burglary of the office of Dr. Daniel Ellsberg's former psychiatrist. Neither Members of Congress nor officials in our judicial system are in a position at this point to determine the extent of CIA involvement in similar matters."

This serious allegation that CIA was involved in the burglary of the office of Dr. Ellsberg's former psychiatrist, absolutely has no foundation in fact, as was testified to by Agency witnesses before the Special Subcommittee on Intelligence.

In view of the above, it is the recommendation of this Agency that H. R. 8432 not be favorably acted upon by your Committee.

The Office of Management and Budget advises there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

Enclosure

EDWARD I. KOCH
17TH DISTRICT, NEW YORK

DAVID W. BROWN
COUNSEL

COMMITTEE ON
BANKING AND CURRENCY

NEW YORK OFFICE:
ROOM 3139
26 FEDERAL PLAZA
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PHONE: 202-225-2436

Congress of the United States
House of Representatives
Washington, D.C. 20515

December 28, 1972

Richard Helms
Director
Central Intelligence Agency
Washington, D. C. 20505

Dear Mr. Helms:

I read with interest the report in the December 17th issue of the New York Times that 14 New York policemen have received training by the CIA. It is my understanding that the CIA is not permitted under existing law to engage in internal security functions. And yet, it would appear from the news story that the training of these police officers relates to the handling of information files, sometimes called dossiers, on individuals within the United States.

I should like to have responses to the following questions:

1. How many police officers from local police departments throughout the country have been similarly trained or received instruction of any kind by the CIA within the last two years? Please indicate the number of policemen from each city involved.

2. Describe the kind of training provided by the CIA to these police officers.

3. What was the cost involved in the training and who paid for it?

4. Does the CIA intend to continue the program of training local police officers?

5. Finally, pursuant to what section of the law is the CIA training local police officers, and for what purpose is the training provided?

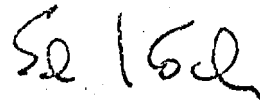
Richard Helms

2.

December 28, 1972

I would appreciate having this information as soon as possible for I believe it is extremely important that the Congress be informed on activities such as these.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ed Koch", written in a cursive style.

Edward I. Koch
MC

EIK:rsa

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

29 January 1973

Honorable Edward I. Koch
House of Representatives
Washington, D. C. 20515

Dear Mr. Koch:

This is in response to your letter to Mr. Helms of 28 December 1972, regarding a New York Times story describing some briefings which the Central Intelligence Agency has provided to the New York Police Department, and to your request during our telephone conversation on the same subject on 23 January 1973.

Regarding the first question in your letter, I do not have a precise figure but I can assure you that less than fifty police officers all told, from a total of about a dozen city and county police forces have received some kind of Agency briefing within the past two years.

These briefings have covered a variety of subjects such as the procedures for the processing, analyzing, filing and retrieving information, security devices and procedures, and metal and explosives detection techniques.

These briefings have been provided at no cost to the recipients. Since they have been accomplished merely by making available, insofar as their other duties permit, qualified Agency experts and instructors the cost to the Agency is minimal.

All of these briefings have been conducted in response to the requests of the various recipients. The Agency intends to continue to respond to such requests on matters within its competence and authority, and to the extent possible without interfering with its primary mission.

Regarding the Agency's authority to conduct such briefings, the National Security Act of 1947 (P. L. 80-253, as amended) specifically provides that "the Agency shall have no police, subpoena, law-enforcement powers, or internal-security functions." We do not consider that the activities in question violate the letter or spirit of these restrictions. In our judgment, they are entirely consistent with the provisions of the Omnibus Crime Control and Safe Streets Act of 1968 (P. L. 90-351, 42 U.S.C.A. 3701 et seq). In enacting that law it was the declared policy and purpose of Congress "to assist State and local governments in strengthening and improving law enforcement at every level by national assistance" and to "...encourage research and development directed toward the improvement of law enforcement and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals" (42 U.S.C.A. 3701). By the same law Congress also authorized the Law Enforcement Assistance Administration to use available services, equipment, personnel and facilities of the Department of Justice and of "other civilian or military agencies and instrumentalities" of the Federal Government to carry out its function (42 U.S.C.A. 3756).

The identities of the individual police forces which have attended these briefings have, by mutual agreement, been kept confidential and I would therefore appreciate your treating the information I gave you in our conversation regarding these identities accordingly.

I trust the foregoing information is responsive to your interests, and I will be glad to discuss the matter with you further if you so desire.

Sincerely,

[Redacted Signature]

John M. Maury
Legislative Counsel

25X1A

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Approved For Release 2003/05/06 : CIA-RDP75B00380R000600110002-6

Approved For Release 2003/05/06 : CIA-RDP75B00380R000600110002-6

28 JUN 1973

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MEMORANDUM FOR: Legislative Counsel

ATTENTION :

THROUGH : Deputy Director for Management & Services *BU*

SUBJECT : H.R. 8432 - To Prohibit the Central
Intelligence Agency from Providing
Training or Other Assistance in Support
of State or Local Law Enforcement
Activities

REFERENCE : OLC 73-0686

1. Reference is made to your attached request for concurrence and/or comments covering a proposed Agency position on the Koch bill. This bill would prohibit Agency training or any other form of assistance, directly or indirectly, in support of any State or local law-enforcement activity.

2. We have reviewed your proposed letter to the Chairman, Committee on Armed Services, House of Representatives, and concur fully in its content, including the fall-back position which you recommended.

3. Please advise if any additional data are desired.

25X1A

Howard J. Osborn
Director of Security

Attachment
as stated

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

H.R. 8432

FROM:

Director of Security
Room 4 E-60

EXTENSION

NO.

DATE

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. Deputy Director for
Management & Services

29 JUN 1973

Pa

2. Legislative Counsel
Attn:

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